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COURT DENIES "FOR THE PRES-ENT" A MOTION TO DISMISS.

### Wants to Hear All the Evidence-Moli-Present Plans of the Defence, Which Will Open Its Case This Morning.

Ex-Gov. Black, of counsel for Roland B. Molineux, made an appeal vesterday in the Supreme Court for the dismissal of case against his client, but Justice Lambert, after a few moments in deep thought, decided against him. Justice Lambert departed from the usual anpouncement, which is "Motion denied." and said that the motion was denied for the present, and that he would hear all of the evidence. This leaves the way open for the Justice to grant Mr. Black's motion after the defence has presented its evidence, a course which the defence is hoping he will take, but which the prosecutor is confident he will not. Mr. Black declared most emphatically yesterday that he would put Molineux on the witness stand unless something developed in the next few days to make him regard such a move as inadvisable.

There was a big crowd in court yester-day because of the announcement that had been made that the defence would open and that Molineux might be the first witness. The Rev. Lindsay Parker of Brooklyn, a friend of the Molineux family, sat with Molineux and Gen. Molineux. Mr. Blook opened the properties by question. Black opened the proceedings by questioning the correctness of certain testimony given by Mrs. Florence Rogers. By agreement with the prosecutor certain parts of the testimony of Mrs. Rogers and of Harry the testimony of Mrs. Rogers and of Harry Cornish at the Coroner's inquest were read to the jury by Mr. Weeks, and then Mr. Black rose to make his motion for dis-missal. He made it on five grounds, which he read from a paper, as follows: We move the Court to advise the jury to

he read from a paper, as follows:

We more the Court to advise the jury to acquit the defendant on the ground:

That the evidence is insufficient to warrant a conviction.

That there is no evidence that the defendant ever purchased or had in his possession evanide of mercury, bromo selfzer, the bottle containing these ingredients, the silver bottle containing these ingredients, the box, or any of the contents of the poison package.

That there is no evidence that he ever mailed or placed said package in the Post Colle, or caused the same to be done or that he transmitted or caused the so-called joison package to be sent to Harry's Cornish, by mail or otherwise, in any manner whatever.

That there is no proof whatever connecting the defendant with the commission of the crime charged, the entire case resting solely upon the opinion of witnesses as to handwriting that the defendant wrote the address on the poison package.

"The fact is," said Mr. Black, "that the prosecution has not been able to make out a case against this defendant, and there is not enough evidence now before this.

is not enough evidence now before this court to convict him. There is no evidence that he ever had the bottleholder, that he ever bought it or that he ever had the poison, and there is absolutely no evidence that he ever sent the so-called poison rackage. There is no evidence against package. There is no evidence against this man, save the evidence furnished by handwriting expects, a class of witnesses so unreliable that some courts have refused even to allow them to be sworn as witnesses. [Three of the prosecution's experts look at each other and grinned.] With

witnesses. [Three of the prosecution's experts look at each other and grinned.] With the case in such condition as this I cannot see on what ground it should go to the jury. It is giving an opportunity to do this defendant a lasting wrong. It is a crisis in the affairs of this defendant.

"We do not dispute that at the time the bottleholder was bought in Newark, this defendant was in that city. But so were 350,000 other persons. We do not dispute that at the time the poison package was mailed in this city the defendant was in this city. He may have been in this city, but so were 2,000,000 other persons. We concede that the defendant lived in Brooklyn, but so were 2,000,000 other persons. We cannot see why in these things evidence is found justifying the selection of this one man out of 3,500,000 as the person who committed this crime. There seems to be no excuse to try and fasten this crime on him, and I ask the Court to dismiss this case here and now."

Justice Lambert sat so long without giving any answer to Mr. Black that the prosecutor thought he wanted to hear

The motion is depied for the present I will hear all of the evidence."

No one was surprised at the decision of the Court, although the form in which it was delivered was noticed and widely com-mented on afterward. After the decision Mr. Black rose and asked for an adjourn-ment until this morning at 10:30 o'clock. He said that the prosecution had closed its case so suddenly that he had not had an opportunity to arrange his witnesses in the order in which they should be put upor the stand. Much time would be saved by giving him a chance to attend to this before he began his defence, he said, and, as the prosecutor was willing to have the case go over, Justice Lambert granted Mr. Black's

Mr. Black was asked about his plans after Mr. Black was asked about his plans after court had adjourned. He said:

"If you ask me what our plans are now regarding Mr. Molineux going on the stand I will tell you that they are to have him testify. But, of course, the arrangements we have made are not binding on us, and we may change them later on. Mr. Molineux is willing to go on the stand or to remain in his seat. He is only auxious to do what his counsel advise him to do. He is a model client.

client.
"We do not feel that the prosecution has made out any case at all. I shall con-sume very little time to-morrow in pre-setting our case to the jury. I think I will not take more than five minutes. The is really nothing for me to talk about. have no case to break down, nothing to contradict, so I will be very brief, simply telling the jury what witnesses I will produce and what they will testify to. Alto-gether I do not think it will take me more than two days to present my evidence; ctill, there is no telling how long the cross-examination will drag out the defence."

Mr. Black was asked about the possi-bility of Mrs. Molineux going on the stand.

He declined to say anything about that, save that Mrs. Molineux was as far away from him as some of the New Jersey wit-

esses seemed to be from the prosecution.
Outside of the prisoner himself it is doubtouiside of the prisoner timself it is doubt-ful if the defence will put anybody but handwriting experts on the stand. The principal exhibits in the case have been in the hands of Mr. Black and his associates for two days, and the defence's experts have had plenty of opportunity to get ready to refute what the prosecution's experts have testified to. It was said yesterday that the defence had secured possession of a letter written by Expert Kinsley to Expert Hay on Feb. 6, 1899, shortly after Molineux's arrest, in which Kinsley says that he does not agree with some of the deductions made by Hay.

conclusion of to-day's session an adjournment will probably he taken until Wednesday next. Justice Lambert may sit to-morrow, but it is doubtful. On Monday he goes home to vote.

### AN ENGEL BOND FORFEITED. white of the "Little Jumbo," for Whom

He Was Surety, Doesn't Appear. Martin Engel, the ex-leader of "de Ate. will have to pay \$1,500 into the city treasury or produce Joseph White, the manager of the much-raided "Little Jumbo," at 112 Bowery, whose ball was declared forfeited yesterday when he failed to appear before Magistrate Fiammer in the Tombs police court to be examined on chargesof periury

wo charges. The bail was furnished by The Eric Raises Wages

and of aiding and abetting illegal registra-tion. White was held in \$1,500 bail on the

disgramton, N. Y., Oct. 30. The em- of loyees of the Eric engaged in the shops .t Susquehama have been pleasantly surprised by the posting of a notice ancouncing that their pay has been raised

FLOWER AND SCULPTURE SHOW. Happy Combination of the Two in an

Exhibition at the Garden. The New York Florists' Club and the National Sculpture Society have united this year in an exhibition which began last night at the Madison Square Garden neux Will Testify. According to the and is to continue until Nov. 6. The interior of the Garden shows a pergola of white. covered with green vines, and about these

the flowers and statuary are exhibited. Among the private exhibitors of flowers and vegetables are H. Mck. Twombly, Dr. W. Seward Webb, C. F. Dietrich, Adrian Iselin, D. Willis James and E. R. Ladew. The professional growers represented in-clude all the prominent gardeners in the neighborhood of New York and many from The exhibits were put in place yesterday

The exhibits were put in place yesterday afternoon. Chrysanthemums predominate, although there is a large display of orchids. The judges will begin the work of awarding the prizes to-day.

Among the sculpture exhibited are George G. Barnard's statue of the god Pan, Karl Bitter's fountain, George Brewster's "Defence of the Flag," and works by D. C. French, V. C. Potter, C. Grafly, Paul Bartlett, S. I. ding. Calder, Eli Harvey, C. A. Lopez, Charles Nichaus, J. Q. A. Ward and Ruckstuhl. Lopez, Charles and Ruckstuhl.

### ROBBED WHEN HE CAME TO CALL. Steedmen Declares That Mrs. Beck's Land-

lord Attacked Him and Took 880. James Steedman, a wholesale liquor

dealer of 20 Dev street, limped into the Tenderloin police station last night and complained that he had been assaulted and robbed of \$80 by Mark Mills, the landlord of a furnished room house at 129 West lord of a furnished room house at 129 West Fifteenth street. Steedman said he had called at the house to see a woman named Mrs. Beck, but was told she was out. When he asked permission to wait, he asserts. Mills attacked him. Mills was arrested and brought to the station. He

arrested and brought to the station. He denied that he refused to allow Steedman to remain in the house, and that he got his injuries by falling down the stoop. Mills was, however, locked up.

### INFLAMED FYES DOWNTOWN.

Laid to Soft Coal Smoke Joy That the Smoke Ordinance Is to Be Inforced.

The approuncement that the smoke ordinance, which was suspended temporarily by Mayor Low during the latter part of the coal strike, is to be inforced soon again was welcomed in the Wall Street district yesterday. In the last week complaints of the smoke have increased. Many persons have been suffering from inflamed eyes, which they attribute to the particles of soot floating.

On Monday and Tuesday this week the smoke from office buildings and the elevated railway engines was more apparent than at any time since the strike began.

### CARED FOR MOTHER IN AGONY Boy Run Over by Train Said: "Don't Tell

Manima How Badly I'm Hurt." James Randazzo, a bright lad of 7 years. of 1037 Pacific street, Brooklyn, was run ver and so badly injured that he died, by Long Island Railroad train at Atlantic and Classon avenues yesterday morning. He was on his way to school. Train 226 from Flatbush avenue ran over both his legs. When he was picked up his first words were a warning not to alarm his

"Don't tell mamma how badly I am hurt," He was removed to St. Mary's Hospital, where he died shortly before noon.

### "DEMONSTRATOR" IN BELLEVUE. Symptoms of Alcoholism Cause, Inhaling ( atarrh Cures.

A man who said he was Charles Chittenevery symptom of alcoholism. Chittenden said his wife was a "demon-

# his was probably what ailed her

Arrested on a Charge of Embezzlement WASHINGTON, Oct. 30 - Cornelius T. Griffith was arrested here to-night on complaint or Joseph Bowes, manager of the Washington branch of the Equitable Life Assurance Society of New York, on a charge of embezzling \$1,500. Griffith was an employe of the company. He admits a short-age of \$3,500, but says he did not steal the money, but advanced it to agents of the

# Mrs. Craigie Has a Hearing.

Mrs. Mary E. Craigie, assistant librarian of the Brooklyn Public Library, who has been charged with insubordination and using poor judgment in distributing books, had a hearing last night before the Administration Committee. The result was not

# Crossman House Burned.

RICHLAND, N. Y. Oct. 30 .- The famous Crossman House at Alexandria Bay was destroyed by fire to-night.

Weber and Fields Get a Boston Theatre Boston, Oct. 30.-Weber and Fields of New York have secured a ten years' lease of the new Washington street theatre to constructed by the estate of Robert Brigham and under the terms of the document which was recorded to-day the lessees agree that nothing but first-class plays shall be produced by them. The annual rental will be \$25,000 a year. A novel feat-ure of the lease is that no speculators shall be allowed to sell tickets in the vestibules

or halls of the new theatre Mme. Duse Too Ill to Act Last Night. BOSTON, Oct. 30.-Eleonora Duse did not appear at the Tremont Theatre this evening. It was said at the theatre that she will play to-morrow night without fail.

# OBITUARY.

The Hon Stephen R Slocum died yester-day in Newport in his eighty-fourth year. He was a well-known Democrat and on Wednes-day evening was one of a part y of cartial campaigners in Newport. He got chilled campaigners in Newport. He got chilled through, and had to be taken home. He was an ex-Mayor of Newport, and at one time candidate for Lieutenant-Governor of Rhode Island and served as Collector of Newport under President Cleveland

under President Cleveland
Dr. Abbott M. Mason, a specialist in the treatment of cancers and tumors, died yesterday afternoon in his home in New Rochelle, from diabetes. Dr. Mason was 55 years old. He was born in Southwick. Conn. Before taking up his specialty he was for years a general practising physician in Chatham, N. Y. He leaves a widow and two children.

Ex-Judge James A. Logan died suddenly of neuralgia of the heart on Wednesday night at his residence in Bala, Pa. He was for nearly a quarter of a century general solicitor of the Pennsylvania Galifoad. He was born in Westmoreland county, Pa., on Dec. 2, 1839.

Edward P. Meany, dr., eldest son of Gen Meany of Newark, died on Wednesday, at the age of 23, of pneumonia. He studied of St. Paul's School. Long Island, and at Harvard, and was soon to go to Paristo study

art.

José Rojas, a retired tobacco merchaut, died on Tuesday at his home, 76 Buffalo avenue, Brooklyn, in his sixty-fourth year. He was a member of the Spanish Renevolent Society of New York. A son survives him. Society of New York A son survives him.

The Hon, William Dummer North, one of
the best known lawyers and Democrats
in New England, and an uncle of Secretary
of the Navy Moody, died late Wednesday
night at his home in Salem, Mass., aged 79.
George S Buyton, friend of Charles Dickens
and at one time said to be a playmate of
Queen Victoria, was buried in Rockford,
Ill., at his former home yesterday. He died
on Tuesday at the age of \$1 years



"Tourist overcoats" -- long cover-up coats of heavy rough plaided cheviots; with strap gathering the full back.

It's the coat for knocking about the country on chill fall days, for watching a football game, for heavy weather in town all winter.

\$28, \$30, **\$**35.

Every other good sort of Winter overcoat here. Winter suits and underwear

if you're not ready for overcoats. ROGERS, PEET & COMPANY.

138 Freadway, co., Warrea, opposite City Hail. 842 Breadway, cor. 13th, and 140 to 148 4th Avc. 1260 Breadway, cor. 27d, and 54 West 334 St.

# BALD FROM X-RAYS, SHE SAYS.

SO SHE WANTS \$50,000 DAMAGES FOR INEXPERT TREATMENT.

Miss MacDonald's Head Was Exposed for 34 Minutes for a Diagnosis of a Diseased Tooth and She Was Badly Burned Experts Disagree as to the Cause.

Experts disagreed in their evidence resterday when the suit of Josephine MacDonald against Nelson T. Shields, George F. Jernigan and Michael J. O'Connor was begun in the Supreme Miss MacDonald wants \$50,000 for injuries which she says she sustained in June, 1897, in consequence of the defendants submitting her, without her knowledge, o an X-ray operation. Shields and Jernigan are dentists. O'Connor is a Rontgen ray specialist.

Miss MacDonald says she consulted Shields and Jernigan for treatment for a diseased tooth, and, after treating her for awhile, they took her to O'Connor's offices, she says, where, without telling her what they proposed to do, they subjected her to three exposures from a fluoroscope, and made two skiagraphs of her head. Within a day or two, she says, she began to feel intense pains over her face and shoulder, and soon she found that she had been severely burned by the Rontgen rays. She became bald, and was otherwise permanently disfigured.

The plaintiff were a wig in court. She bore traces of having been a handsome girl, but the left side of her face is scarred and discolored.

Shields and Jernigan, in their defence, den of 231 East Thirteenth street took his say that Miss MacDonald went to O'Connor's wife Lillian to Believue last night and told the doctors that she had been acting consented to the X-ray operation when strangely. The doctors thought she showed they recommended it as the only means of discovering what was really the matter strator." The doctors asked what that with her jaw. They say that O'Connor giving any answer to Mr. Black that the prosecutor thought he wanted to hear from him, and rose to speak. Justice Lambert didn't give him a chance to speak. Why, "said he, "she sits in drugstore Lambert didn't give him a chance to speak, however, but waved him to his seat and the seat and the state of the seat and t hands, though they saw that every possible care and precaution were used to prevent disagreeable results. O'Connor, it seems. has not been served with a summons or complaint, as the plaintiff could not find him. He therefore has not appeared or

After Miss MacDonald had testified to her side of the case, and shown the jury her bald head, Prof. Payton C. Miller, an X-ray expert, testified that, judging from her burns, and the duration of the three exposares thirty-four minutes in all he thought she must have been exposed to a current of more than 1,000,000 volts. He thought such a voltage and the time of the exposure dangerously long. Half an hour, except in very special cases, he thought, should be the utmost exposure. Prof. Miller said that from five to ten minutes, with the tube at a distance of twenty inches, would be a proper exposure. He would not expose an open wound to the X-rays, he said, and a debilitated person only for a very short period. He believed a weak patient more cely to be burned than a strong one, and he ought that Miss MacDonald had been subjected to too long an exposure with too

strong a current.

The defendant Shields testified that he had advised Miss MacDonald to have a skiagraph of her head taken, and that she had welcomed the suggestion. He then took her to O'Connor, who had been recom-mended to him by Prof. Lee of Columbia. O'Connor first exposed her to the light for five minutes, for a personal inspection, and then took two striagraphs with exposures of eleven and eighteen minutes each. He expressed the opinion that O'Connor had taken every precaution known to the art in

Drs. M. J. Pupin and F. S. Lee testified that with an exposure of thirty-four min utes there was no danger to a healthy per-son. Prof. Max Osterberg, another X-ray expert, who said he had made thousands of expert, who said he had made thousands of skiagraphs, declared that he had never burned any one but his mother, whose hand he had brought too close to the tube. Dr. Robert E. Abbé, chief surgeon at St. Luke's Hospital, said he knew O'Connor as a competent operator of the Röntgen ap-paratus. Dr. Abbé said he had repeatedly

used the X-rays in treating open wounds as healing is accelerated by the treatment Dr. R. Cunningham declared that a per-son in ordinary health could bear without injury an exposure to X-rays of two or

Dr. Lester Leonard said that he considered the treatment of Miss MacDonald proper and not dangerous, but some patients were more susceptible than others. In his own practice, out of 800 to 1,000 cases he remem-bered eight or ten patients being burned. but in none of the cases were the results serious. The greater knowledge of the sub-ject to-day enabled an operator to be more careful than in 1897, when the X-ray science was in its infancy.

A number of skiagraphs and photographic plates of subjects sut mitted to X-ray photography were handed around among the jurymen, who seemed to examine the pictures with great interest. The hearing will go on to-day.

PAVEMENT MENDING BEGUN. Meanwhile Sixty Suits for Damages Pend

Against the City. President Cantor has already begun upon the instructions of the Mayor with regard to the defects in the street payements. He sent out several repair gangs yesterday and also notified the companies which have guarantee contracts with the city that they must fix up the pavements they are responsible for. Corporation Counsel Rives said yesterday that there were no less than sixty suits for damages pending against the city for accidents arising from defective pavements.

# "Belfast Mesh" Linen Underwear.

Guaranteed to Wear and Guaranteed Not to Shrink. (See Window Display.)

Men's Shirts and Drawers. Women's Vests and Pants. Children's Vests and Pants. Boys' Shirts and Drawers.

Undergarments are admittedly the most important for health and comfort, The question, therefore, "What sort of Undergarments shall I wear" is of the very greatest importance to man, woman and child.

Theory and practice coincide in demonstrating the desirability of "Belfast Mesh" Linen Underwear. It is worn by thousands of people, recommended by students of hygienic science and physicians of the highest standing.

More comfortable than Wool, Silk or Cotton and infinitely superior to either of those fabrics from a health point of view, the "Belfast Mesh" Linen is destined to become the most popular of any Underwear manufactured.

Wool has hitherto been the favorite for winter wear; we therefore invite your attention to the following:

# A Fair Comparison.

Belfast Mesh Linen.

NATURALLY porous, and therefore holds dry air, which is a non-conductor. BELFAST Mesh holds larger quantities of air and is therefore BELFAST Mesh, good absorbent POOR absorbent properties; therefore does not take up properties; takes up excretions and moisture quickly and evaporates and eliminate excretions and hem rapidly.

WOOLLEN stuff, when i has BTLFAST Mesh, when it has become wet, dries quickly, and become wet from perspira-tion, makes best conductor for hear, and body is swathed body is surrounded by dry fabric and dry air.

BELFAST Mesh may be boiled any number of times. It cannot shrink. It is guaranteed.

BELFAST Mesh never shrinks and therefore keeps its po-

BULFAST Mech is grateful to

The change to "Belfast Mesh" may be made at any time without the slightest danger of catching cold.

# Sixth Avenue. 20th to 21st Street.

Descriptive and Price List Catalogues mailed on application.

# SOUGHT MISS CARTER'S WILL?

Wool.

WOOL of any kind cannot be disinfected by washing

in boiling water without exces-sive shrinking.

WOOL, when shrunk, loses its porosity, the only property which gives it value as an undergarment.

WOOL irritates the skin by

moisture easily

dampness.

DEAD WOMAN'S RELATIVE KNOWS WHETHER ONE WAS FOUND.

Talks in a Mystifying Way of the Motive for the Search in the Dead Woman's Rooms-Anxlous to Know Why the Po-Hee Are Sure Nothing Was Stolen.

One, at least, of the relatives of the late Mary A. C. Carter, whose home in Carter avenue, just south of 176th street, was ransacked on Monday night and the body moved from a table to the floor, would like to know how the police of the Tremon station and how so many friends and distant relatives of the dead artist can be so positive that whoever broke into Miss Car, This relative is better able to tell what Miss was said vesterday, this person has no means of knowing whether anything of alue was taken or not. When the person eferred to was questioned by a SUN reporter yesterday afternoon, the following tatement was made:

"After the burial of Miss Carter a very energetic attempt will be made to find out who violated her home when she lay dead there. The motive for the act I believe ! know. Knowing that, or believing I know it, I am naturally led to suspect a certain person of ransacking the rooms. I wish to do no one any harm, and I shall mention no names at present. I will say, though that it is known definitely whether or not Miss Carter left a will, and it is also known definitely whether, since her death, it has been found where she usually kept it. The mpression seems to have been created hat Miss Carter was a woman of large means. This is not true. She had a competence and earned a fairly good livelihood from her work. But she was not wealthy. After the burial I shall make it my business o solve this mystery and shall keep at it until successful, if it takes the remainder of

my life. The inference left by this statement was hat the person who made it suspected that whoever ransacked Miss Carter's rooms did so in the hope of finding a will and per haps other things. It was said that it has not been established that no money was taken and that none of the family silver was stolen. All that is known definitely is that the deeds to all the real estate owned v the dead artist were found.

Mrs. Helen Soden, who knew Miss Carter best of all her neighbors and who minis-tered to her during her last illness, made rather interesting statement yesterday ternoon. She said: "The police have told me to say nothing

about the case, but they said it wouldn't be a good thing to have it become known that Miss Carter was such a miser." "Was she a miser?" asked THE SUN man. "Oh. I don't know anything about it.
That's what the neighbors say, and they
thought it wouldn't be nice to have it known.

Why, that woman wouldn't have had any-thing to eat while she was sick had it not been for me. I gave her all the food she had."
"Is it true that bank notes were found between the leaves of books?"
"How should I know," replied Mrs.
Soden. "I don't know anything about
what Miss Carter had in the way of val-The body of the artist was taken vester-

The body of the artist was taken yesterday afternoon to Jericho, VI., Miss Carter's old whome, for burial. A funeral service was held on Wednesday night. The remains were accompanied by Mr. and Mrs. Naugle of Quincy. III. Mrs. Naugle is Miss Carter's only sister and her nearest relative. She will return to New York after the burial and take charge of her sister's estate.

GOLD-HEADED CANE FOR DR. DIX Presented by Trinity Church Guilds as Memento of His Anniversaries.

The Rev. Dr. Morgan Dix, rector of Old Trinity, received yesterday a goldheaded cane from the guilds of that church as a memento of the anniversaries which he will celebrate on Saturday. That day will begin the seventy-fifth year of his life, it will be the fiftieth anniversary of his admission to boly orders and the fortieth of his rectorship of Old Trinity.
The Rev. Alfred Griffen, curate of Old
Trinity, made the presentation speech,
to which Dr. Dix replied. The presenta-



"Train up the Child" & etc. Bring your Young People here. Special attention is given to dressing the Little Gentlemen. A full Stock, attractive and sensible. Men's Suits . . . \$15.00 to \$32.00. Men's overcoats. \$15.00 to \$45.00. All here are stylish and popular.

# Smith, Gray & Co.

Broadway at 31st St., N. Y. BROOKLYN: Broadway at Bedford Ave., Fulton St. & Flatbush Ave.

# CUBA A FOREIGN STATE.

JUDGE THOMAS SAYS OUR COURTS HAVE NO JURISDICTION.

Over a Crime Committed on an American Vessel Sailing Under a Cuban Register While the Island Was Under the Military Government of the United States. Judge Edward B. Thomas, sitting in

the United States Circuit Court, Brooklyn. yesterday, in rendering a decision in the case of José Assia, who is charged with manslaughter, ruled that Cuba since it was freed from Spanish domination is a foreign state, thus establishing a precedent deemed to be important in all maters affecting that country and this. The Judge says that all crimes committed in Cuba during the military rule of the United States in that island are subject to the jurisdiction of the Cuban courts

Assia is a native of Spain. He killed a Russian named John Orlin on board the ship Paloma while it was cruising in Hay-tian waters last July. The Paloma was tian waters last July. The Paloma was owned by an American citizen and carried the American colors, but sailed under a register granted by the Cuban Provisional Government during the régime of Gen.

Wood and carried papers from him.

The question arose whether the Paloma at the time was an American or a Cuban ship and to the courts of which country the criminal was amenable. The ship was con-sidered as an extension of the soil to which she belonged, and the next question was

whether the crime was committed on Cuban or American soil. On July 12 last Assia was taken before the United States Consul at Pert au Prince and sent to Brooklyn, because there was at the time a revolution in Hayti. The trial of Assia before Judge Thomas was called, when the question of jurisdiction was raised on which the decision referred to was randered.

to was rendered.

The Judge decides that the Paloma was not an American vessel, since her charter not an American vessel, since her charter was granted by a country other than the United States, and that the crime for which Assia was held was committed outside of the jurisdiction of this country, and he could not be held to the Federal courts here. The Court holds that the clauses relied upon by the Government in the opinion in the Neely case in the Supreme Court are so modified by the result of the decision that although he feels that the case is one of extreme difficulty. that the case is one of extreme difficulty, in justice to the defendant he is constrained to hold that the United States courts have o jurisdiction.

In the Neely case the main point of con In the Neely case the main point of contention was the right of this Government to send him back to Havana for trial on the charge of embezzling the funds of the Havana post office. Congress met the difficulty by passing the act recognizing Cuba under the United States military control as a foreign country.

Pending the arrival of requisition papers from Cuba Assia is held here.

For City Missions 880,000 Expected At the annual meeting of the Episcopal City Missions Society last night the budget for the ensuing year was passed. expected that more than \$80,000 will be raised, exceeding last year's several thousand dollars.

# The Wanamajar Store.

A Wanamaker Boon for Men

Are you accustomed to a dollar-fifty frame of mind about your white dress shirts? Have you been obsessed with the idea that that price was about the lowest limit consistent

with a good, well-made, comfortably fitting shirt? Then you've never been to Wanamaker's. When we planned this Dollar Dress Shirt, we set sail after a dollar-and-a-half's worth of goodness. It took a good deal of patience, of shopping around among manufacturers, to find one who would conform to our ideas at our price. But we succeeded, ultimately, and the result is

The Best-Dollar White Shirt on the Market

More than that, you can't equal it for less than \$1.50. We know, for we've instituted rigorous comparisons between our \$1 shirts and others, and nothing for less than \$1.50 stood the comparison.

The making of our \$1 Shirts is done by expert operators. The button-holes and eyelets are made by hand.

The proportions of the shirts are balanced by a set of patterns, by which each part of each sized shirt is separately designed. Five styles of bosoms and five sleeve-lengths to each neck

(Order by mail, by these numbers, if you choose.)

No. 4122. Open front and back; two studs or eyelets.

No. 4133. Open front and back, short bosom; one stud or eyelet.

No. 4134. Open back, single or double plait; two eyelets.

No. 4135. Open back, short bosom, single or double plait; one eyelet.

No. 4136. Coat Shiri, open all the way down; two studs only.

Men's Furnishings, Ninth Street and Broadway.

# The REGINA Entertains the Entire Household

If you've never owned a Regina Music Box, or have never visited a family that possessed one, you can little realize what a delight-

ful addition it is to the home. The mother who worries with a cross and peevish child may change its disposition by bringing home a Regina, making the child lively and happy, and lightening her own cares marvelously. It makes sluggish children active; teaches them to love and

respond to music; entertains and educates them at the same time; gives them an intelligence and refinement that will tell on the character as they grow older. But the Regina is ever so much more than a juvenile enter-

tainer. The larger sizes of the music boxes will supply an enjoyable evening's entertainment, for the older members of the family, Then a Regina will last a lifetime; and the boxes are not necessarily expensive. Prices begin at \$17, and range upward to a magnificent Parlor Cabinet Regina, that changes its own

tune sheets automatically, at \$350.

The Buying Is Easy The Regina Music Box Club includes the boxes from \$30 to \$80; and by joining the Club you may have a box sent home on payment of a single dollar; arranging to pay the balance on

easy monthly sums. The benefits of a Regina Music Box are so great, and possession is so easy to secure, that no home should be without one, particularly during the season when children and grown-ups must spend so many hours indoors.

Come and hear the Regina play, in the new Music Room just built for it in our Annex Store. If you live at a distance, write for catalogue and information as to buying your box by

# JOHN WANAMAKER Broadway. Fourth Avenue. Ninth and Tenth Streets



At the ordinary stores you take what you get. We've four styles of Fall

Overcoats at \$10.

As many more at \$25. Fifty styles between these prices.

# A chance for everybody. Browning King. 5.0 copper Square West, New York

COURT-MARTIAL FOR OWEN.

Nearly opposite Cooper Union

Many Grave Charges Against Ensign of the Training Ship Columbia. The court-martial for the trial of Ensign Arthur Crosby Owen, who is attached to the training ship Columbia at the Brooklyn navy yard, was organized yesterday with Capt. Purnell F. Harrigan as president. Ensign Owen is charged with absenting himself without leave from July 29 until Sept. 25, and with borrowing \$350 from Capt. F. H. Lawton, U. S. A., and tendering a worthless check in payment, and whaving borrowed \$300 from Col. G. having borrowed \$390 from Col. G. S. Anderson and failing to return it: also with giving a bad check for \$20 to Robert L. Meade of New York. It is further charged that he purchased large amounts of clothing and sent them to the battleship Massachusetts after he had left that vessel. The trial will begin to-day.

MISS LYONS HER OWN GUARDIAN.

Justice Refuses to Return Her to Her Father, Who, She Says, Is Cruel. Ellen Lyons, 19 years old, who was forcibly aken from the home of Mrs. Daisy Wendell at 438 Pacific street, Brooklyn, recently by her father, William A. Lyons, who is the executor of her estate, valued at \$21,000, received the custody of her own person by Supreme Court Justice Dickey yesterday. She was in court in habeas corpus proceedings, instituted in her behalf.

Ellen said that her father had ill-treated her and she had been kept three days in a room, a rope being used to detain her. Her father, she said, insisted on deducting \$5 a week from her money to pay for her board.

House Saved by the Cooling of Doves. John Castlau and his wife of 63 Dawson street. Newark, owe the fact that their home is standing to-day to the cooing of three pet doves. The doves were in a cage in a shed back of the house. Mrs. Castland went to the yard to get some wood yesterday morning. The doves were cooling with a peculiar note, and she looked in the shed war to see what the matter was. The shed was in flames.

shed was in flames.

It was attached to the house and soon the shed was in figures.

It was attached to the house and soon the main building would have been on fire. The fire department was summoned and the blaze was stopped just in time. The doves were dead, however, having been overcome by the smoke.

Will is also indicted for the same charge, which concerns two girls wanted by the District Attorney as withnesses on Capt. Herliby's trial for neglect of day.

The Kuriz wengen's time was up vester-day in the penitentiary and she is now lodged in the Tombs.



**FURNITURE & WORKS OF ART** BOXED, PACKED & SHIPPED MORGAN & BROTHER

TELEPHONE 113 38TH. TWO YEARS FOR EX-POLICEMAN. Beadle May Keep Out of Sing Sing if He

STORAGE WAREHOUSES

232-236 West 47th Street.

Gets a Stay in Time. David Beadle, the ex-policeman conricted last week of taking, when a policenan, a \$20 bribe from Jessie Clark at 225 West Thirty-seventh street on Sept. 17 last was sent vesterday by Judge Newburger in the General Sessions to State Prison for two years. Before sentencing Beadle, Judge two years. Before sentencing Beadle, Judge Newburger took into consideration the sickness of his wife and infant child and the fact that he had been but six days in plain clothes while attached to the West Thirty-seventh street police station. Beadle will remain in the Tombs until Monday at least before being taken to Sing Sing, as steps are being taken to appeal from his conviction. If these steps are successful he will probably be released on bail until the Appellate Division decides upon the appeal.

appeal More Money to the Rathbone Home. The will of Kate Rathbone, widow of

George W. Rathbone, who died on Oct. 3 at Clifton Springs, was filed yesterday. Mrs. Rathbone's estate in this State is Mrs. Rathbone's estate in this State is valued at \$101,000. Friends and relatives are left the greater part of this sum, but the death of two of the heirs will increase the residue, which goes to the Rathbone Memorial Home for Aged and Infirm Persons at Evansville, Ind. One of the legates was Miss Caroline Bathbone, who died in December last, leaving \$75,000 to the same institution. he same institution

Minna Kurtz From Island to Tombs, Minna Kurtz was arrested yesterday,

the penitentiary for running a disorderly house, on a bench warrant issued upon her indictment for conspiracy. Andres Witt is also indicted for the same charge